

**CITY OF WHARTON
ORDINANCE NO. 2019- 25**

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY, IN WHARTON COUNTY TEXAS: A CERTAIN 115.25 ACRE TRACT OF LAND IN THE GEORGE SINGLETON SURVEY, ABSTRACT 58, AND THE WILLIAM KINCHELOE SURVEY, ABSTRACT 38, WHARTON COUNTY, TEXAS, AND BEING AN APPROXIMATE 1000-FOOT WIDE STRIP OF LAND ALONG U.S. HIGHWAY 59 EXTENDING NORTHERLY FROM THE NORTHERN EXISTING CITY LIMITS OF THE CITY OF WHARTON, WITH ALL BEARINGS BASED UPON A PORTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 59 AS BEING NORTH 18 DEGREES 04 MINUTES 55 SECONDS EAST (CALLED NORTH 18 DEGREES 04 MINUTES 55 SECONDS EAST) IN WHARTON, COUNTY, TEXAS AS DESCRIBED IN THE METES AND BOUNDS ATTACHED HERETO AS EXHIBIT "A"; TO THE CITY OF WHARTON, WHARTON COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY, AND ADOPTING A SERVICE PLAN.

WHEREAS, Article I. Incorporation; Form of Government; Corporate and General Powers of the City of Wharton City Charter; Section 9 Extending and fixing city limits by ordinance as restricted by law, of the City Charter, of the City of Wharton, Texas, an incorporated city, authorizes the annexation of territory, subject to the laws of this state; and,

WHEREAS, the procedures prescribed by the City Charter of the City of Wharton, Texas, and the laws of this state have been duly followed with respect to the territory described in the Exhibit "A" attached hereto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS, that:

Section I. That the heretofore described property is hereby annexed to the City of Wharton, Wharton County, Texas, and that the boundary limits of the territory described in the attached Exhibit "A," within the city limits of the City of Wharton, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the City of Wharton and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.

Section II. A service plan for the area is adopted and attached as Exhibit "B."

Section III. The City Secretary is hereby directed to file with the County Clerk of Wharton, Texas, a certified copy of this ordinance.

Section IV. This ordinance shall become effective immediately upon its passage.

PASSED, APPROVED, and ADOPTED by the City Council of the City of Wharton, Texas, on the 30th day of September 2019.

CITY OF WHARTON, TEXAS

By: *Tim Barker*
TIM BARKER
Mayor

ATTEST:

Paula Favors
PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

Paul Webb
PAUL WEBB
City Attorney



Exhibit "A"

Annexation Tract No. 4
115.25 Acres

George Singleton Survey, Abstract 58
William Kincheloe Survey, Abstract 38

STATE OF TEXAS §

COUNTY OF WHARTON §

A **METES & BOUNDS** description of a 115.25 acre tract of land in the George Singleton Survey, Abstract 58, and the William Kincheloe Survey, Abstract 38, Wharton County, Texas, and being an approximate 1000-foot wide strip of land along U. S. Highway 59 extending northerly from the northern existing City Limits of the City of Wharton, with all bearings based upon a portion of the westerly right-of-way line of U. S. Highway 59 as being North 18 degrees 04 minutes 55 seconds East (called North 18 degrees 04 minutes 55 seconds East).

Beginning at the intersection of the centerline of U. S. Highway 59 and the northerly line of the existing City Limits of the City of Wharton (Ordinance Number 2019-18);

Thence North 71 degrees 55 minutes 05 seconds West, 200.00 feet to a point for the west corner of the herein described tract, said point being the north corner of said existing City Limits of the City of Wharton, said point being in the westerly right-of-way line of U. S. Highway 59, same being the easterly line of an adjoining called 2.579 acre tract recorded in Volume 716, Page 479, Deed Records, Wharton County, Texas;

Thence North 18 degrees 04 minutes 55 seconds East along the westerly right-of-way line of U. S. Highway 59, 184.54 feet to the lower corner of a cutback at the intersection of the westerly right-of-way line of U. S Highway 59 and the southerly right-of-way line of Ponderosa Road;

Thence North 26 degrees 51 minutes 07 seconds West along said cutback, 70.79 feet to the upper corner of said cutback, being in the southerly right-of-way line of Ponderosa Road;

Thence North 18 degrees 14 minutes 52 seconds East crossing Ponderosa Road, 70.00 feet to the lower corner of a cutback at the intersection of the westerly right-of-way line of U. S. Highway 59 and the northerly right-of-way line of Ponderosa Road, said point being in the southerly line of the adjoining residue of a called 712.5 acre tract recorded in Volume 357, Page 148, Official Records, Wharton County, Texas;

Thence North 63 degrees 08 minutes 53 seconds East along said cutback, 70.63 feet to the upper corner of said cutback, said point being in the westerly right-of-way line of U. S. Highway 59;

Thence North 18 degrees 04 minutes 55 seconds East along the westerly right-of-way line of U. S. Highway 59, 751.84 feet to the beginning of a curve to the right;

Thence along said curve to the right, continuing along the westerly right-of-way line of U. S. Highway 59, having a central angle of 08 degrees 40 minutes 05 seconds, a radius of 5,779.58 feet, an arc length of 874.37 feet, and a chord bearing North 22 degrees 24 minutes 58 seconds East, 873.54 feet to the end of said curve;

Thence North 26 degrees 45 minutes 00 seconds East continuing along the westerly right-of-way line of U. S. Highway 59, 2,202.48 feet to the beginning of a curve to the left;

Annexation Tract No. 4
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Thence along said curve to the left, continuing along the westerly right-of-way line of U. S. Highway 59, having a central angle of 12 degrees 33 minutes 53 seconds, a radius of 904.93 feet, an arc length of 198.45 feet, and a chord bearing North 20 degrees 28 minutes 03 seconds East, 198.05 feet to the end of said curve;

Thence North 14 degrees 11 minutes 07 seconds East continuing along the westerly right-of-way line of U. S. Highway 59, 300.00 feet to the beginning of a curve to the right;

Thence along said curve to the right, continuing along the westerly right-of-way line of U. S. Highway 59, having a central angle of 12 degrees 33 minutes 54 seconds, a radius of 1,004.93 feet, an arc length of 220.38 feet, and a chord bearing North 20 degrees 28 minutes 03 seconds East, 219.94 feet to the end of said curve;

Thence North 26 degrees 45 minutes 00 seconds East continuing along the westerly right-of-way line of U. S. Highway 59, approximately 142.61 feet to the southeast corner of the adjoining Love's called 14.5078 acre tract recorded in Volume 959, Page 446, Official Records, Wharton County, Texas, for the north corner of the herein described tract;

Thence South 63 degrees 15 minutes 00 seconds East along the northeast line of the herein described tract, crossing U. S. Highway 59, at 271 feet pass the centerline of U. S. Highway 59, at 431.88 feet pass the easterly right-of-way line of U. S. Highway 59, and continuing for a total distance of 1,111.00 feet to the east corner of the herein described tract, said point being within a non-contiguous portion of the aforementioned residue of a called 712.5 acre tract;

Thence establishing the easterly line of the herein described tract, crossing said non-contiguous portion of a called 712.5 acre tract, with the following courses and distances:

South 26 degrees 45 minutes 00 seconds West, 3,053.39 feet to the beginning of a curve to the left;

Thence along said curve to the left having a radius of 4,779.58 feet, a central angle of 08 degrees 40 minutes 05 seconds, an arc length of 723.09 feet, and a chord bearing South 22 degrees 24 minutes 58 seconds West, 722.40 feet to the end of said curve;

South 18 degrees 04 minutes 55 seconds West, crossing the aforementioned Ponderosa Road, 1106.38 feet to a point for the south corner of the herein described tract, same being the east corner of the aforementioned existing City of Wharton City Limits;

Thence North 71 degrees 55 minutes 05 seconds West along the northeast line of the existing City of Wharton City Limits, crossing U. S. Highway 59, 800.00 feet to the **Place of Beginning** and containing 115.25 acres of land, more or less.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

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115.25 Acres

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September 25, 2019

Job Number 05135-0900-19

Jones | Carter
1229 Corporate Drive, Suite 100
Rosenberg, TX 77471
(281) 342-2033
Texas Board of Professional Land
Surveying Registration No. 10046104



Acting By/Through Chris D. Kalkomey
Registered Professional Land Surveyor
No. 5869
CDKalkomey@jonescarter.com

Exhibit "B"

ANNEXATION SERVICE PLANS CITY OF WHARTON, TEXAS MUNICIPAL SERVICE PLAN Annexation 3 – Phase 2

TERRITORY

This Service Plan is applicable to the territory which are described in Exhibit A attached to this document, which are being annexed by the City of Wharton, Texas.

INTENT

It is the intent of the City of Wharton that this Service Plan shall provide for the delivery of full available municipal services to the annexed areas in accordance with State law. The failure of this plan to describe any particular service shall not be deemed to be an attempt to omit the provision of such services from the annexed areas. The delivery of municipal services may be accomplished through any means permitted by law.

EFFECTIVE TERM

This Service Plan shall be in effect for a ten-year period commencing on the effective date of this annexation.

AMENDMENT OR RENEWAL

This Service Plan may be amended from time to time as provided by Texas Local Government Code, Section 43.056 (e), (j), and (k). Renewal of the Service Plan shall be at the sole option of the Wharton City Council.

FIRE

Existing Services: Wharton Volunteer Fire Department

Services to be Provided: Fire suppression will be available to the area upon annexation. Primary fire response will be provided by Wharton Voluntary Fire Department, located at 319 N Fulton Wharton, TX 77488. Adequate fire suppression activities can be afforded to the annexed area within current budget appropriation. Fire prevention activities will be provided by the Fire Marshall's office as needed.

POLICE

Existing Services: Wharton County Sheriff's Department

Services to be Provided: Currently, the area is under the jurisdiction of the Wharton County Sheriff's Office. However, upon annexation, the City of Wharton Police Department will extend regular and routine patrols to the area. It is anticipated that the implementation of police patrol activities can be effectively accommodated within the current budget and staff appropriation.

BUILDING INSPECTION

Existing Services: Wharton County Permit Department

Services to be Provided: The Building Inspection Department will provide Code Enforcement Services upon annexation. This includes issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes which regulated building construction within the City of Wharton.

PLANNING AND ZONING

Existing Services: None

Services to be Provided: The City of Wharton does not have zoning.

LIBRARY

Existing Services: Wharton County

Services to be Provided: Library services will continue to be provided by Wharton County.

HEALTH DEPARTMENT- HEALTH CODE ENFORCEMENT SERVICE

Existing Services: None

Services to be Provided: The Texas Department of Health and Human Services will implement the enforcement of the State of Texas' health ordinances and regulations on the effective date of the annexation.

ANIMAL CONTROL

Existing Services: None

Animal control services will be provided to the area as needed by the Wharton Police Department.

STREET

Existing Services: None

Services to be Provided: Developers will provide streets at their own expense and will be inspected by the City of Wharton Engineers at time of completion(s). The City of Wharton will then maintain the streets(s) upon approval. Maintenance to the street(s) will be provided by the City of Wharton upon the effective date of the annexation. This service can be provided within the current budget appropriation.

STORM WATER MANAGEMENT

Existing Services: None

Services to be Provided: Developers will provide storm water drainage at their own expense and will be inspected by the City of Wharton Engineers at time of completions. The City of Wharton will then maintain the drainage upon approval.

STREET LIGHTING

Existing Services: None

Services to be Provided: The City of Wharton will coordinate any request for improved street lighting with the local electric provider in accordance with standard City of Wharton policy.

TRAFFIC ENGINEERING

Existing Services: None

Services to be Provided: The City of Wharton Public Works Department provide, after the effective date of annexation, any additional traffic control devices per City of Wharton requirements.

WATER SERVICE

Existing Services: None

Services to be Provided: Water service to the area will be provided in accordance with the applicable codes and departmental policy. When other property develops in the adjacent area, water service shall be provided in accordance with extension ordinances. Extension of service shall comply with City of Wharton codes and ordinances.

SANITARY SEWER SERVICE

Existing Services: None

Services to be Provided: Sanitary sewer service to the area of proposed annexation will be provided in accordance with applicable codes and departmental policy. When property

develops in the adjacent areas, sanitary sewer service shall be provided in accordance with the present extension ordinance. Extension of service shall comply with applicable codes and ordinances.

SOLID WASTE SERVICES

Existing Services: None

Services to be Provided: Solid Waste Collection and Disposal shall be provided to the area of annexation in accordance with the present ordinance. Service shall comply with existing City of Wharton policies, beginning with occupancy of structures.

MISCELLANEOUS

All other applicable municipal services will be provided to the area in accordance with the City of Wharton's established policies governing extension of municipal services to newly annexed areas.

